



General Assembly

Substitute Bill No. 410

February Session, 2004

* _____SB00410JUD__040704_____*

AN ACT CONCERNING CHILD RESTRAINT SYSTEMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (c) and (d) of section 14-100a of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2004*):

4 (c) (1) The operator of and any [front seat] passenger in a motor
5 vehicle with a gross vehicle weight rating not exceeding ten thousand
6 pounds or fire fighting apparatus originally equipped with seat safety
7 belts complying with the provisions of [the Code of Federal
8 Regulations, Title 49, Section] 49 CFR 571.209, as amended from time
9 to time, shall wear such seat safety belt while the vehicle is being
10 operated on the highways of this state, except that a child under the
11 age of [four] six years shall be restrained as provided in subsection (d)
12 of this section. Each operator of such vehicle shall secure or cause to be
13 secured in a seat safety belt any passenger [four] six years of age or
14 older and under sixteen years of age.

15 (2) The provisions of subdivision (1) of this subsection shall not
16 apply to (A) any person whose physical disability or impairment
17 would prevent restraint in such seat safety belt, provided such person
18 obtains a written statement from a licensed physician containing
19 reasons for such person's inability to wear such seat safety belt and
20 including information concerning the nature and extent of such

21 condition. Such person shall carry the statement on his or her person
22 or in the motor vehicle at all times when [it] the motor vehicle is being
23 operated, or (B) an authorized emergency vehicle, other than fire
24 fighting apparatus, responding to an emergency call or a motor vehicle
25 operated by a rural letter carrier of the United States postal service
26 while performing his or her official duties or by a person engaged in
27 the delivery of newspapers.

28 (3) Failure to wear a seat safety belt shall not be considered as
29 contributory negligence nor shall such failure be admissible evidence
30 in any civil action.

31 (4) On and after February 1, 1986, any person who violates the
32 provisions of this subsection shall have committed an infraction and
33 shall be fined fifteen dollars. Points may not be assessed against the
34 operator's license of any person convicted of such violation.

35 (d) [Any] (1) Except as provided in subdivision (2) of this
36 subsection, any person who transports a child under the age of [four]
37 six years, weighing less than [forty] sixty pounds, in a motor vehicle on
38 the highways of this state shall provide and require the child to use a
39 child restraint system approved pursuant to regulations adopted by
40 the Department of Motor Vehicles in accordance with the provisions of
41 chapter 54. Any person who transports a child under the age of [four]
42 six years, weighing [forty] sixty or more pounds, in a motor vehicle on
43 the highways of this state shall either provide and require the child to
44 use an approved child restraint system or require the child to use a
45 seat safety belt. As used in this subsection, "motor vehicle" does not
46 mean a bus having a tonnage rating of one ton or more. Failure to use a
47 child restraint system shall not be considered as contributory
48 negligence nor shall such failure be admissible evidence in any civil
49 action.

50 (2) Any person who transports a child under the age of one year or
51 weighing less than twenty pounds in a motor vehicle on the highways
52 of this state shall provide and require the child to ride rear-facing in a

53 child restraint system approved pursuant to regulations adopted by
54 the Department of Motor Vehicles in accordance with the provisions of
55 chapter 54.

56 (3) No person who transports a child in a motor vehicle on the
57 highways of this state shall restrain the child in a booster seat if the
58 motor vehicle is not equipped with a seat safety belt that includes a
59 shoulder belt and otherwise meets the requirements of subsection (b)
60 of this section.

61 (4) Any person who violates the provisions of subdivision (1), (2) or
62 (3) of this subsection shall, for a first violation, have committed an
63 infraction; for a second violation, be fined not more than one hundred
64 ninety-nine dollars; and, for a third or subsequent violation, be guilty
65 of a class A misdemeanor. The commissioner shall require any person
66 who has committed a first or second violation of the provisions of
67 subdivision (1), (2) or (3) of this subsection to attend a child car seat
68 safety course offered or approved by the Department of Motor
69 Vehicles. The commissioner may, after notice and an opportunity for a
70 hearing, suspend for a period of not more than two months the motor
71 vehicle operator's license of any person who fails to attend or
72 successfully complete the course.

This act shall take effect as follows:	
Section 1	October 1, 2004

JUD *Joint Favorable Subst.*